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FROM: Don D. Cha, Reg. No. 40,945

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DATE: January 9, 2007

NUMBER OF PAGES (including this page): 5  
TO: Mail Stop Petitions  
Commissioner for Patents  
United States Patent and Trademark Office**MESSAGE**

Inventor(s): Michael D. Wand et al.	Examiner: WU, Shean Chiu
Appln. No.: 10/038,054	Group Art Unit: 1756
Filing Date: January 3, 2002	Confirmation No.: 5769
Title: HIGH POLARIZATION FERROELECTRIC LIQUID CRYSTAL COMPOSITIONS	Customer No.: 35657 Docket No.: 61297 - 318422

JAN 09 2007

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I HEREBY CERTIFY THAT the below-listed documents are being transmitted to the United States Patent and Trademark Office via facsimile to (571) 273-8300 on January 9, 2007.

Renewed Petition under 37 CFR 1.137(b)  
Form PTO-2038 for payment of \$750.00  
copy of Decision on Petition



Constance Bennett

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Mail Stop Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### RENEWED PETITION UNDER 37 CFR 1.137(b)

Applicants' Petition to Revive in the above-identified application was dismissed for failure to pay the large entity fee for a petition to revive. Applicants hereby file this Renewed Petition to Revive for unintentional abandonment of the application and submit the \$750.00 balance of the petition fee.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional and was the result of clerical error.

Please debit any underpayment or credit any overpayment to Deposit Account No. 06-0029.

Respectfully submitted,

FAEGRE & BENSON LLP  
Customer Number: 35657



By: Don D. Cha

Date: 9-JAN-07

FAEGRE & BENSON LLP  
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In re Application of  
 Michael Ward et al.  
 Application No. 10/038,054  
 Filed: January 3, 2002  
 Attorney Docket No: 61297-318422

JAN 09 2007  
 ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed November 28, 2006, to  
 revive the above identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** a final agency decision.

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed April 27, 2006. The large entity issue fee was paid July 28, 2006 however after the due date and thus the application was properly abandoned and accordingly, a Notice of Abandonment was mailed November 16, 2006.

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was intentional; and

The instant petition is accompanied by a fee in the amount of \$750.00 representing the small entity fee for a petition to revive. However, a review of the file reveals that this application is a large entity and therefore the fee paid should have been in the amount of \$1500.00.

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective October 1, 2004 the petition fee was set at \$1500 for a large entity and \$750 for a small entity. In view thereof, the balance of the petition fee (\$750.00) is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Bailey  
Senior Petitions Attorney  
Office of Petitions